

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

**CASEY ALFORD, AS THE PERSONAL
REPRESENTATIVE OF THE ESTATE
OF LINDA ALFORD
3014 Hamburg Pike
Jeffersonville, Indiana 47130**

Plaintiff,

vs.

**BEECHMONT II LEASING CO, LLC
D/B/A AND A/K/A HARRISON
HEALTHCARE CENTER
10123 Alliance Road
Cincinnati, Ohio 45242**

Serve:

**ACFB Incorporated
200 Public Square, Suite 2300
Cleveland, Ohio 44114**

and

**COMMUNICARE, INC.
10123 Alliance Road
Cincinnati, Ohio 45242**

Serve:

**ACFB Incorporated
200 Public Square, Suite 2300
Cleveland, Ohio 44114**

and

**COMMUNICARE HEALTHCARE
SERVICES, INC.
10123 Alliance Road
Cincinnati, Ohio 45242**

Serve:

Case No.

**COMPLAINT WITH JURY
DEMAND**

	:
ACFB Incorporated	:
200 Public Square, Suite 2300	:
Cleveland, Ohio 44114	:
	:
and	:
	:
HEALTH CARE FACILITY	:
MANAGEMENT, LLC	:
10123 Alliance Road	:
Cincinnati, Ohio 45242	:
	:
Serve:	:
	:
ACFB Incorporated	:
200 Public Square, Suite 2300	:
Cleveland, Ohio 44114	:
	:
and	:
	:
OMG IN MSTR LSCO, LLC	:
10123 Alliance Road	:
Cincinnati, Ohio 45242	:
	:
Serve:	:
	:
ACFB Incorporated	:
200 Public Square, Suite 2300	:
Cleveland, Ohio 44114	:
	:
Defendants.	:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Casey Alford is a resident of Indiana and a citizen of the state of Indiana. He is the Personal Representative of the Estate of Linda Alford, which is an estate opened in the Harrison County, Indiana Probate Court being case no. 31C01-2202-ES-000021. Plaintiff is also the personal representative of Linda Alford, deceased, pursuant to O.R.C. § 2125.02(A)(1).

2. Defendant Beechmont II Leasing Co, LLC d/b/a and a/k/a Harrison Healthcare Center (hereafter “Beechmont II Leasing”) is an Ohio for profit limited liability company that holds itself out to the public as a provider of medical care, including but not limited to,

rehabilitation and skilled nursing care. Upon information and belief, its sole member is OMG IN MSTR LCSO, LLC, an Ohio limited liability company.

3. Defendant Communicare, Inc. (hereafter “Communicare”) is an Ohio for profit corporation that holds itself out to the public as a provider of medical care, including but not limited to, rehabilitation and skilled nursing care in multiple states. Its place of incorporation and principal place of business are in Ohio.

4. Defendant Communicare Healthcare Services, Inc. (hereafter “Communicare Healthcare”) is an Ohio for profit corporation that holds itself out to the public as a provider of medical care, including but not limited to, rehabilitation and skilled nursing care in multiple states. Its place of incorporation and principal place of business are in Ohio.

5. Defendant Health Care Facility Management, LLC (hereafter “HFM”) is an Ohio for profit limited liability company that holds itself out to the public as a provider of medical care, including but not limited to, rehabilitation and skilled nursing care. Upon information and belief, its members are Ohio corporations or Ohio limited liability companies.

6. Defendant OMG IN MSTR LSCO, LLC (hereafter “OMG”) is an Ohio for-profit limited liability company that holds itself out to the public as a provider of medical care, including but not limited to, rehabilitation and skilled nursing care. Upon information and belief, its members are Ohio corporations or Ohio limited liability companies.

7. This Court has subject matter jurisdiction over this case because there is diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds \$75,000.

8. This Court has personal jurisdiction over Defendant.

9. This Court is a proper venue for the claims in this Complaint.

BACKGROUND

10. Linda Alford was a patient at Harrison Healthcare Center for nursing home services. Harrison Healthcare Center is a nursing home in Harrison County, Indiana which is owned and operated by Defendants.

11. Linda Alford fell and broke her hip while under the care and supervision of Defendants.

12. Defendants failed to prevent Linda Alford's fall and failed to properly care for Linda Alford. As a result of this failure of care, Linda Alford broke her hip. The failure of care and these injuries caused Linda Alford's death.

13. Linda Alford died on September 4, 2021 from her injuries received at Harrison Healthcare Center.

CLAIM ONE – NEGLIGENCE

14. Defendants owed a duty of care to Plaintiff's decedent to maintain a safe facility and ensure Linda Alford would be safe.

15. Defendants breached the standard of care by:

- a. failing to ensure that the facility was safe for Linda Alford; and
- b. failing to provide proper care to Linda Alford and prevent Linda Alford from falling.

16. As a direct and proximate result of Defendants' negligence, Linda Alford suffered personal injury prior to her death. The claims for these injuries survive the death of Linda Alford. Plaintiff is therefore entitled to damages on behalf of the Estate of Linda Alford.

CLAIM TWO – WRONGFUL DEATH

17. Plaintiff incorporates by reference the allegations contained in Paragraph 1 through 16 as if fully restated here.

18. Defendants' negligence described in Claim One above caused Linda Alford's death.

19. Plaintiff is entitled to recover damages for Linda Alford's death under O.R.C. § 2125.01, et seq., Ohio's wrongful death statute, from Defendants.

CLAIM THREE – PUNITIVE DAMAGES AGAINST DEFENDANT

20. Plaintiff restates and realleges Paragraphs 1 through 19 of his Complaint as if fully restated herein.

21. Defendants acted with malice and in conscious disregard for Linda Alford.

22. Plaintiff is entitled to punitive damages against Defendants.

23. Plaintiff is entitled to recover his attorney's fees and expenses against Defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demands judgment against Defendants in excess of \$75,000 as follows:

- (a) that Plaintiff be awarded compensatory damages;
- (b) that Plaintiff be awarded punitive damages against Defendants;
- (c) that Plaintiff be awarded attorney's fees; and
- (d) that Plaintiff be awarded all other relief to which he may be entitled.

JURY DEMAND

Plaintiff demands a jury trial on all claims and issues that can be tried by a jury.

Respectfully submitted,

/s/ Louis C. Schneider

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Attorney for Plaintiff